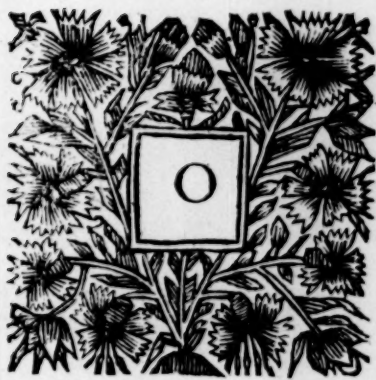


THE
Fundamental Constitutions
OF
CAROLINA.



OUR SOVERAIGN LORD THE KING having out of His Royal Grace and Bounty, granted unto us the Province of *Carolina*, with all the Royalties, Proprieties, Jurisdctions, and Priviledges of a *County Palatine*, as large and ample as the *County Palatine of Durham*, with other great Priviledges; for the better settlement of the Government of the said place, and establishing the Interest of the *Lords Proprietors* with Equality, and without Confusion, and that the Government of this Province may be made most agreeable to the *Monarchy* under which we live, and of which this Province is a part; and that we may avoid erecting a numerous *Democracy*, we the *Lords and Proprietors* of the Province aforesaid, have agreed to this following Form of *Government*, to be perpetually established amongst us, unto which we do Oblige our selves, our Heirs, Assignes and Successors, in the most binding ways that can be devised.

THE eldest of the *Lords Proprietors* shall be *Pallatine*, and upon the decease of the *Pallatine*, the eldest of those who were *Proprietors* the first of *March*, One thousand six hundred sixty and Nine, shall succeed him. And when none of them are living, he that hath been longest a *Proprietor* shall succeed; but after the Year One thousand seven hundred, the eldest man of the *Lords Proprietors* shall always be *Pallatine*. §. 1.

There shall be seven other chief Offices erected, viz. The *Admirals*,
Chamberlains, *Chancellors*, *Constables*, *Chief Justices*, *High Stewards*, and
A *Treasurers* §. 2.

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Treasurers; which places shall be enjoyed by none but the *Lords Proprietors*; to be assigned at first by Lott, and upon the Vacancy of any one of the *seven great Offices* by death or otherwise, the eldest of those who were *Proprietors* the first of *March* One thousand six hundred sixty and Nine, shall have his choyce; and when none of them are living, he that hath been longest a *Proprietor* shall have his choyce: But after the Year One thousand seven hundred, if none of those that were *Proprietors* in the Year One thousand six hundred sixty and Nine, are then living, the eldest man of the then *Lords Proprietors* shall have his choyce.

§. 3. The whole Province shall be divided into *Counties*; each *County* shall consist of eight *Signiories*, eight *Baronies*, and four *Precincts*; each *Precinct* shall consist of six *Colonies*.

§. 4. Each *Signiory*, *Barony*, and *Colony*, shall consist of twelve thousand Acres, the eight *Signiories* being the Share of the eight *Proprietors*, and the eight *Baronies* of the *Nobility*, both which Shares being each of them one fifth part of the whole, are to be perpetually annexed, the one to the *Proprietors*, the other to the hereditary *Nobility*, leaving the *Colonies*, being three Fifths, amongst the People; that so in Setting out, and Planting the Lands, the *Ballance* of the *Government* may be preserved.

§. 5. At any time before the Year One thousand seven hundred and one, any of the *Lords Proprietors* shall have power to *Relinquish*, *Alienate*, and *Dispose* to any other Person, his *Proprietorship*, and all the *Signiories*, Powers, and Interest thereunto belonging, wholly and intirely together, and not otherwise. But after the year One thousand seven hundred, those who are then *Lords Proprietors*, shall not have power to *Alienate* or *Make over* their *Proprietorship*, with the *Signiories* and *Priviledges* thereunto belonging, or any part thereof, to any person whatsoever, otherwise than as in §. 18. but it shall all descend unto their *Heirs Male*; and for want of *Heirs Male*, it shall all descend on that *Landgrave* or *Cassique* of *Carolina*, who is Descended of the next *Heir Female* of the said *Proprietor*; and for want of such *Heirs*, it shall descend on the next *Heir general*; and for want of such *Heirs*, the remaining seven *Proprietors* shall upon the Vacancy, chuse a *Landgrave* to succeed the deceased *proprietor*, who being chosen by the majority of the seven surviving *proprietors*, he and his *Heirs* successively shall be *proprietors*, as fully to all intents and purposes as any of the rest.

§. 6. That the number of eight *proprietors* may be constantly kept; if upon the vacancy of any *proprietorship*, the seven surviving *proprietors* shall

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shall not *chuse* a *Landgrave* to be a *Proprietor*, before the second biennial *Parliament* after the *Vacancy*; then the next biennial *Parliament* but one after such *Vacancy*, shall have power to *chuse* any *Landgrave* to be *Proprietor*.

Whosoever after the Year One thousand seven hundred, either by Inheritance or Choice, shall succeed any *Proprietor* in his *Proprietorship*, and *Signiories* thereunto belonging, shall be obliged to take the *Name* and *Arms* of that *Proprietor* whom he succeeds; which from thenceforth shall be the *Name* and *Arms* of his Family and their Posterity. §. 7.

Whatsoever *Landgrave* or *Cassique* shall any way come to be a *Proprietor*, shall take the *Signiories* annexed to the said *Proprietorship*; but his former *Dignity*, with the *Baronies* annexed, shall devolve into the Hands of the *Lords Proprietors*. §. 8.

There shall be just as many *Landgraves* as there are *Counties*, and twice as many *Cassiques*, and no more. These shall be the hereditary *Nobility* of the Province, and by right of their *Dignity* be Members of *Parliament*. Each *Landgrave* shall have four *Baronies*, and each *Cassique* two *Baronies*, hereditarily and unalterably annexed to, and settled upon the said *Dignity*. §. 9.

The first *Landgraves* and *Cassiques* of the twelve first *Counties* to be Planted, shall be nominated thus; that is to say, of the twelve *Landgraves* the *Lords Proprietors* shall each of them seperately for himself, nominate and *chuse* one; and the remaining four *Landgraves* of the first twelve, shall be nominated and chosen by the *Palatine's Court*. In like manner of the twenty four first *Cassiques*, each *Proprietor* for himself shall nominate and *chuse* two, and the remaining eight shall be nominated and chosen by the *Palatine's Court*; and when the twelve first *Counties* shall be Planted, the *Lords Proprietors* shall again in the same manner nominate and *chuse* twelve more *Landgraves*, and twenty four *Cassiques* for the twelve next *Counties* to be Planted; that is to say, two Thirds of each number by the single nomination of each *Proprietor* for himself, and the remaining one Third by the joynr *Election* of the *Palatine's Court*, and so proceed in the same manner till the whole Province of *Carolina* be Set out and Planted, according to the Proportions in these FUNDAMENTAL CONSTITUTIONS. §. 10.

Any *Landgrave* or *Cassique* at any time before the Year One thousand seven hundred and one, shall have power to *Alienate*, *Sell*, or *Make over* to any other person, his *Dignity*, with the *Baronies* thereunto belonging, all intirely together. But after the Year One thousand seven hun- §. 11.

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hundred, no *Landgrave* or *Cassique* shall have power to *Alienate*, *Sell*, *Make over*, or *Lett* the Hereditary *Baronies* of his *Dignity*, or any part thereof, otherwise than as in §. 18, but they shall all intirely, with the *Dignity* thereunto belonging, *descend* unto his *Heirs Males*; and for want of *Heirs Male*, all intirely and undivided, to the next *Heir general*; and for want of such *Heirs*, shall devolve into the Hands of the *Lords Proprietors*.

§. 12. That the due number of *Landgraves* and *Cassiques* may be always kept up, if upon the *Devolution* of any *Landgraveship* or *Cassiqueship*, the *Palatine's Court* shall not settle the devolved *Dignity*, with the *Baronies* thereunto annexed, before the second biennial *Parliament* after such *Devolution*, the next biennial *Parliament* but one after such *Devolution* shall have power to make any one *Landgrave* or *Cassique* in the room of him, who dying without *Heirs*, his *dignity* and *Baronies* devolved.

§. 13. No one person shall have more than one *Dignity*, with the *Signiories* or *Baronies* thereunto belonging. But whensoever it shall happen, that any one who is already *Proprietor*, *Landgrave* or *Cassique*, shall have any of these *Dignities* descend to him by *Inheritance*, it shall be at his *Choice* to keep which of the *Dignities*, with the *Lands* annexed, he shall like best; but shall leave the other, with the *Lands* annexed, to be enjoyed by him, who not being his *Heir Apparent*, and certain *Successor* to his present *Dignity*, is next of *Blood*.

§. 14. Whosoever by *Right of Inheritance* shall come to be *Landgrave*, or *Cassique*, shall take the *Name* and *Arms* of his *Predecessor* in that *Dignity*, to be from thenceforth the *Name* and *Arms* of his *Family* and their *Posterity*.

§. 15. Since the *Dignity* of *Proprietor*, *Landgrave*, or *Cassique*, cannot be divided, and the *Signiories* or *Baronies* thereunto annexed must for ever all intirely descend with, and accompany that *Dignity*, whensoever for want of *Heirs Male* it shall descend on the *Issue Female*, the eldest *Daughter* and her *Heirs* shall be preferred, and in the *Inheritance* of thole *Dignities*, and in the *Signiories* or *Baronies* annexed, there shall be no *Cokeirs*.

§. 16. In every *Signiory*, *Barony*, and *Mannor*, the respective *Lord* shall have power in his own *Name* to hold *Court-Leet* there, for *Trying* of all *Causes* both *Civil* and *Criminal*; but where it shall concern any *Person* being no *Inhabitant*, *Vassal*, or *Leet-man* of the said *Signiory*, *Barony*, or *Mannor*, he upon paying down of forty *Shillings* to the *Lords Proprietors* use, shall have an *Appeal* from the *Signiory* or *Barony Court*,

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Court, to the County Court, and from the Mannor Court to the Precinct Court.

Every Mannor shall consist of not less than *three thousand Acres*, and not above *twelve thousand Acres* in one entire Piece and Colony; but any three thousand Acres or more in one Piece, and the Possession of one Man, shall not be a Mannor, unless it be Constituted a Mannor by the Grant of the Palatines Court. §. 17.

The Lords of Signiories and Baronies shall have power onely of granting Estates not exceeding *three Lives* or *thirty one Years*, in two Thirds of the said Signiories or Baronies, and the remaining Third shall be always *Demesne*. §. 18.

Any Lord of a Mannor may *Alienate*, *Sell*, or *Dispose* to any other person and his Heirs for ever, his Mannor, all entirely together, with all the Priviledges and *Leet-men* thereunto belonging, so far forth as any other Colony Lands; but no Grant of any part thereof, either in Fee, or for any longer Term than *three Lives*, or *one and twenty Years*, shall be good against the next Heir. §. 19.

No Mannor, for want of Issue Male, shall be *divided* amongst Co-heirs; but the Mannor, if there be but one, shall all entirely *descend* to the eldest Daughter and her Heirs. If there be more Mannors than one, the eldest Daughter first shall have her *choice*, the second next, and so on, beginning again at the eldest, till all the Mannors be taken up; that so the Priviledges which belong to Mannors being *indivisible*, the Lands of the Mannors to which they are annexed, may be kept entire, and the Mannor not lose those Priviledges, which upon parcelling out to several Owners must necessarily ceale. §. 20.

Every Lord of a Mannor, within his Mannor, shall have all the Powers, Jurisdctions, and Priviledges, which a *Landgrave* or *Cassique* hath in his Baronies. §. 21.

In every Signiory, Barony, and Mannor, all the *Leet-men* shall be under the Jurisdiction of the respective Lords of the said Signiory, Barony, or Mannor, without Appeal from him. Nor shall any *Leet-man* or *Leet-woman* have liberty to go off from the Land of their particular Lord, and live any where else, without License obtained from their said Lord, under Hand and Seal. §. 22.

All the Children of *Leet-men* shall be *Leet-men*, and so to all Generations. §. 23.

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- §. 24. No Man shall be capable of having a Court-Leet or Leet-Men, but a Proprietor, Landgrave, Cassique, or Lord of a Manor.
- §. 25. Whoever shall voluntarily Enter himself a Leet-man in the Registry of the County Court, shall be a Leet-man.
- §. 26. Whoever is Lord of Leet-men, shall upon the Marriage of a Leet-man or Leet-woman of his, give them ten Acres of Land for their Lives, they paying to him therefore not more than one eighth part of all the yearly Produce and Growth of the said ten Acres.
- §. 27. No Landgrave or Cassique shall be Tried for any Criminal Cause, in any but the Chief Justice's Court, and that by a Jury of his Peers.
- §. 28. There shall be eight Supream Courts. The first called The Palatine's Court, consisting of the Palatine, and the other seven Proprietors. The other seven Courts of the other seven great Officers, shall consist each of them of a proprietor, and six Councillors added to him. Under each of these latter seven Courts shall be a Colledge of twelve Assistants. The twelve Assistants of the several Colledges shall be chosen; two out of the Landgraves, Cassiques, or eldest Sons of proprietors, by the Palatine's Court; two out of the Landgraves, by the Landgraves Chamber; two out of the Cassiques, by the Cassiques Chamber; four more of the twelve shall be chosen by the Commons Chamber, out of such as have been, or are Members of Parliament, Sheriffs, or Justices of the County Court, or the younger Sons of proprietors, or eldest Sons of Landgraves or Cassiques; the two other shall be chosen by the Palatine's Court, out of the same sort of Persons out of which the Commons Chamber is to chuse.
- §. 29. Out of these Colledges shall be chosen at first by the Palatine's Court, six Councillors, to be joyned with each proprietor in his Court; of which six one shall be of those who were chosen into any of the Colledges by the Palatine's Court, out of the Landgraves, Cassiques, or eldest Sons of proprietors, one out of those who were chosen by the Landgraves Chamber, and one out of those who were chosen by the Cassiques Chamber, two out of those who were chosen by the Commons Chamber, and one out of those who were chosen by the Palatine's Court, out of the proprietors younger Sons, or eldest Sons of Landgraves, Cassiques, or Commons, Qualified as aforesaid.
- §. 30. When it shall happen that any Councillor dyes or is removed, and thereby there is a Vacancy, he that hath been longest a Councillor in any

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any of the *Proprietors Courts* of the same degree and choice the other was of, whose Vacant place is to be filled up, shall have his choice; whether he will remove into the place of the Person that is dead or remov'd; But if he refuse to remove, the next in Signiority of the same Degree and Choice, shall have his choice, and so of course the rest in order: And the last remaining Vacant place in any of the aforesaid *Proprietors Courts*, shall be filled up by him that hath been longest of any of the *Colledges*, being of the same Degree and Choice with him that is Dead or remov'd. And he that is next of Signiority in the same Degree and Choice, shall have power to remove himself if he please into that *Colledge* where any place shall be Vacant, and so of course the rest, as in case of Councillors; but the last remaining Vacant place in any *Colledge*, shall be filled up by the same Choice, and out of the same Degree of Persons that he was of, who is Dead or removed: No Place shall be Vacant in any of the *proprietors Courts* or *Colledges*, longer than the next Session of Parliament.

No Man, being a Member of the *Grand Council*, or of any of the seven *Colledges*, shall be turned out but for Mildemeanor, of which the *Grand Council* shall be Judge, and the Vacancy of the Person so put out, shall be filled, as is provided in case of the Death of any Councillor. But it is not hereby to be understood, that the *Grand Council* hath any power to turn out any one of the *Lords Proprietors* or their *Deputies*, the *Lords proprietors* having in themselves an inherent original Right.

§. 31.

All Elections in the Parliament, in the several Chambers of the Parliament, and in the *Grand Council*, shall be Passed by Balloting.

§. 32.

The *Palatine's Court* shall consist of the *Palatine*, and seven proprietors, wherein nothing shall be acted without the Presence and Consent of the *Palatine* or his *Deputy*, and three others of the proprietors or their *Deputies*. This Court shall have power to call Parliaments, to pardon all Offences, to make Elections of all Officers in the proprietors dispose, and to nominate and appoint *Port-Towns*: And also shall have power by their Order to the *Treasurer*, to dispose of all publick Treasure, excepting Money granted by the Parliament, and by them directed to some particular publick Use: And also shall have a Negative upon all Acts, Orders, Votes, and Judgments of the *Grand Council* and the Parliament, except onely as in §. 6, 12, and 51. And shall have all the Powers granted to the *Lords Proprietors* by their Patent from OUR SOVERAIGN LORD

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THE KING, except in such things as are limited by these
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§. 34. The *Palatine* himself, when he in person shall be either in the *Army*, or in any of the *proprietors Courts*, shall then have the power of *General*, or of that *proprietor* in whose Court he is then present, and the *proprietor* in whose Court the *Palatine* then presides, shall during his presence there be but as one of the *Council*.

§. 35. The *Chancellours Court*, consisting of one of the *proprietors* and his six *Councillors*, who shall be called *Vice-Chancellors*, shall have the custody of the *Seal* of the *Palatinate*, under which all *Charters* of *Lands* or otherwise, *Commissions* and *Grants* of the *Palatine's Court*, shall pass. And it shall not be lawful to put the *Seal* of the *Palatinate* to any *Writing* which is not Signed by the *Palatine* or his *Deputy*, and three other *Proprietors* or their *Deputies*. To this Court also belongs all *State Matters*, *Dispatches*, and *Treaties* with the neighbour *Indians*. To this Court also belongs all *Invasions* of the *Law*, of *Liberty of Conscience*, and all *Disturbances* of the publick *Peace* upon pretence of *Religion*, as also the *License* of *Printing*. The twelve *Assistants* belonging to this Court, shall be called *Recorders*.

§. 36. Whatever passes under the *Seal* of the *Palatinate*, shall be *Registered* in that *proprietor's Court* to which the *Matter* therein contained belongs.

§. 37. The *Chancellor* or his *Deputy* shall be always *Speaker* in *Parliament*, and *President* of the *Grand Council*, and in his and his *Deputy's* absence, one of his *Vice-Chancellors*.

§. 38. The *chief Justices Court*, consisting of one of the *Proprietors* and his six *Councillors*, who shall be called *Justices of the Bench*, shall Judge all *Appeals* in *Cases* both *Civil* and *Criminal*, except all such *Cases* as shall be under the *Jurisdiction* and *Cognizance* of any other of the *Proprietors Courts*, which shall be *Tried* in those Courts respectively. The *Government* and *Regulation* of the *Registries* of *Writings* and *Contracts*, shall belong to the *Jurisdiction* of this Court. The twelve *Assistants* of this Court shall be called *Masters*.

§. 39. The *Constables Court*, consisting of one of the *proprietors* and his six *Councillors*, who shall be called *Marshals*, shall order and determine of all *Military Affairs* by *Land*, and all *Land-Forces*, *Arms*, *Ammunition*, *Artillery*, *Garrisons* and *Forts*, &c. and whatever belongs unto *War*. His twelve *Assistants* shall be called *Lieutenant Generals*.

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In time of actual War the *Constable*, whilst he is in the Army, shall be *General* of the Army, and the six *Councillors*, or such of them as the *Palatine's Court* shall for that time or Service appoint, shall be the immediate great Officers under him, and the *Lieutenant Generals* next to them. §. 40.

The *Admiral's Court*, consisting of one of the *Proprietors* and his six *Councillors* called *Consuls*, shall have the care and inspection over all Ports, Moles, and Navigable Rivers, so far as the Tide flows, and also all the publick Shipping of *Carolina*, and Stores thereunto belonging, and all *Maritime Affairs*. This Court also shall have the Power of the Court of *Admiralty*; and shall have power to Constitute Judges in Port-Towns, to Try Cases belonging to *Law-Merchant*, as shall be most convenient for Trade. The twelve *Assistants* belonging to this Court shall be called *Proconsuls*. §. 41.

In time of actual War, the *Admiral* whilst he is at Sea, shall Command in Chief, and his six *Councillors*, or such of them as the *Palatines Court* shall for that time and Service appoint, shall be the immediate great Officers under him, and the *Proconsuls* next to them. §. 42.

The *Treasurer's Court*, consisting of a *Proprietor* and his six *Councillors*, called *Under-Treasurers*, shall take care of all Matters that concern the Publick Revenue and *Treasury*. The twelve *Assistants* shall be called *Auditors*. §. 43.

The *High Steward's Court*, consisting of a *Proprietor* and his six *Councillors*, called *Comptrollers*, shall have the care of all Foreign and Domestick Trade, *Manufactures*, publick *Buildings*, *Work-houses*, *High-ways*, *Passages* by Water above the Flood of the Tide, *Drains*, *Sewers* and *Banks* against Inundations, *Bridges*, *Post*, *Carriers*, *Fairs*, *Markets*, *Corruption* or *Infection* of the common *Air* or *Water*, and all things in order to the publick *Commerce* and *Health*; also Setting out and *Surveying* of *Lands*; and also Setting out and appointing Places for *Towns* to be built on in the *Precincts*, and the prescribing and determining the Figure and bigness of the said *Towns*, according to such *Models* as the said Court shall order, contrary or differing from which *Models* it shall not be lawful for any one to Build in any *Town*. This Court shall have power also to make any publick *Building*, or any new *High-way*, or enlarge any old *High-way*, upon any Man's Land whatsoever, as also to make *Cutts*, *Channels*, *Banks*, *Locks*, and *Bridges*, for making Rivers Navigable, or for Draining *Fens*, or any other publick Use. The Damage the Owner of such
C. Lands §. 44.

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Lands (on or through which any such publick thing shall be made) shall receive thereby, shall be valued, and Satisfaction made by such ways as the *Grand Council* shall appoint. The twelve *Assistants* belonging to this Court, shall be called *Surveyors*.

- §. 45. The *Chamberlain's Court*, consisting of a *Proprietor* and his six *Councillors*, called *Vice-Chamberlains*, shall have the care of all *Ceremonies*, *Precedency*, *Heraldry*, *Reception* of publick *Messengers*, *Pedegrees*, the *Registry* of all *Births*, *Burials*, and *Marriages*, *Legitimation*, and all *Cases* concerning *Matrimony*, or arising from it; and shall also have power to regulate all *Fashions*, *Habits*, *Badges*, *Games*, and *Sports*. To this Court also it shall belong, to *Convocate* the *Grand Council*. The twelve *Assistants* belonging to this Court, shall be called *Provosts*.
- §. 46. All *Causes* belonging to, or under the *Jurisdiction* of any of the *Proprietors Courts*, shall in them respectively be *Tried*, and *ultimately Determined*, without any farther *Appeal*.
- §. 47. The *Proprietors Courts* shall have a power to *mitigate* all *Fines*, and *suspend* all *Executions* in *Criminal Causes*, either before or after *Sentence* in any of the other *inferiour Courts* respectively.
- §. 48. In all *Debates*, *Hearings* or *Trials*, in any of the *Proprietors Courts*, the twelve *Assistants* belonging to the said *Courts* respectively, shall have liberty to be present, but shall not interpose, unless their *Opinions* be required, nor have any *Vote* at all; but their *Business* shall be, by the direction of the respective *Courts*, to prepare such *Business* as shall be committed to them; as also to bear such *Offices*, and dispatch such *Affairs*, either where the Court is kept, or elsewhere, as the Court shall think fit.
- §. 49. In all the *Proprietors Courts*, the *Proprietor*, and any three of his *Councillors* shall make a *Quorum*; provided always, that for the better dispatch of *Business*, it shall be in the power of the *Palatine's Court* to direct what sort of *Causes* shall be *Heard* and *Determined* by a *Quorum* of any three.
- §. 50. The *Grand Council* shall consist of the *Palatine* and seven *Proprietors*, and the forty two *Councillors* of the several *Proprietors Courts*, who shall have power to *Determine* any *Controversies* that may arise between any of the *Proprietors Courts*, about their respective *Jurisdictions*, or between the *Members* of the same Court, about their *Manner* and *Methods* of *Proceeding*: To make *Peace* and *War*, *Leagues*, *Treaties*, &c. with any of the neighbour *Indians*: To Issue out their
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general Orders to the *Constable's* and *Admiral's* Courts, for the Raising, Disposing, or Disbanding the *Forces* by Land or by Sea.

The *Grand Council* shall prepare all Matters to be proposed in *Parliament*: Nor shall any Matter whatsoever be proposed in *Parliament*, except as in §. 66. but what hath first passed the *Grand Council*, which after having been read three several dayes in the *Grand Council*, and there carryed by majority of Votes, shall be proposed to the *Parliament*; and in such Proposal, it shall not be necessary to have the consent of the *Palatine's* Court: which Law so proposed by the *Grand Council*, having been read three several dayes in *Parliament*, shall by majority of Votes be there passed or rejected.

§. 51.

The *Grand Council* shall always be Judges of all Causes and Appeals that concern the *Palatine*, or any of the *Lords proprietors*, or any *Councillor* of any *proprietors* Court, in any Cause which otherwise should have been Tried in the Court in which the said *Councillor* is Judge himself.

§. 52.

The *Grand Council* by their Warrants to the *Treasurer's* Court, shall dispose of all the Money given by the *Parliament*, and by them directed to any particular publick Use.

§. 53.

The *Quorum* of the *Grand Council* shall be Thirteen, whereof a *proprietor* or his *Deputy* shall be always one.

§. 54.

The *Grand Council* shall meet the first *Tuesday* in every Month, and as much oftner as either they shall think fit, or they shall be Convocated by the *Chamberlain's* Court.

§. 55.

The *Palatine*, or any of the *Lords proprietors*, shall have power under Hand and Seal, to be Registred in the *Grand Council* to make a *Deputy*, who shall have the same power to all intents and purposes as he himself who deposes him, except in confirming Acts of *Parliament*, as in §. 76. and except also in nominating and chusing *Landgraves* and *Cassiques*, as in §. 10. All such *Deputations* shall cease and determine at the end of four Years, and at any time shall be revocable at the pleasure of the *Deputator*.

§. 56.

No *Deputy* of any *proprietor* shall have any power whilst the *Deputator* is in any part of *Carolina*, except the *proprietor* whose *Deputy* he is, be a *Minor*.

§. 57.

During the *Minority* of any *proprietor*, his *Guardian* shall have power to Constitute and appoint his *Deputy*.

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- §. 59. The eldest of the *Lords proprietors*, who were *proprietors* the first of March, one Thousand six hundred Sixty and Nine, who shall be personally in *Carolina*, shall of course be the *Palatine's Deputy*; and if no such *proprietor* be in *Carolina*, he that hath been longest a *proprietor* and is in *Carolina*, and of the Age of twenty one Years, shall be his *Deputy*; but after the Year one Thousand seven hundred, and the Decease of those that were *proprietors* the first of March, one Thousand six hundred Sixty and Nine, the eldest Man of the then *Lords proprietors*, shall be always the *Palatine's Deputy*; but if no *proprietor* be in *Carolina*, he shall chuse his *Deputy* out of the *Heirs Apparent* of any of the *proprietors*, if any such be there; and if there be no *Heir Apparent* of any of the *Lords proprietors* above one and twenty Years old in *Carolina*, then he shall chuse for *Deputy* any one of the *Landgraves*, or *Cassiques* of the *Grand Council*; and till he have by *Deputation* under Hand and Seal chosen any one of the forementioned *Heirs Apparent* or *Landgraves* to be his *Deputy*, the eldest Man of the *Landgraves*, and for want of a *Landgrave*, the eldest Man of the *Cassiques* who shall be personally in *Carolina*, shall of course be his *Deputy*.
- §. 60. Each *Proprietors Deputy* shall be always one of his own six *Counsellors* respectively; and in case any of the *proprietors* hath not in his absence out of *Carolina* a *Deputy*, Commissioned under his Hand and Seal, the eldest *Nobleman* of his Court shall of course be his *Deputy*.
- §. 61. In every *County* there shall be a *Court*, consisting of a *Sheriff* and four *Justices* of the *County*, for every *Precinct* one. The *Sheriff* shall be an *Inhabitant* of the *County*, and have at least five hundred Acres of *Freehold* within the said *County*; and the *Justices* shall be *Inhabitants*, and have each of them five hundred Acres apiece *Freehold* within the *Precinct* for which they serve respectively. These five shall be chosen and Commissioned from time to time by the *Palatine's Court*.
- §. 62. For any *personal Causes* exceeding the value of two hundred Pounds Sterling, or in *Title of Land*, or in any *Criminal Cause*, either Party upon paying twenty Pounds Sterling to the *Lords proprietors* use, shall have liberty of *Appeal* from the *County Court* unto the respective *Proprietors Court*.
- §. 63. In every *Precinct* there shall be a *Court*, consisting of a *Steward* and four *Justices* of the *Precinct*, being *Inhabitants*, and having three hundred Acres of *Freehold* within the said *Precinct*, who shall Judge all

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all *Criminal Causes*, except for *Treason*, *Murder*, and any other Offences punishable with *Death*, and except all *Criminal Causes* of the Nobility; and shall Judge also all *Civil Causes* whatsoever; and in all personal Actions, not exceeding fifty Pounds Sterling, without Appeal: But where the Cause shall exceed that value, or concern a Title of Land, and in all *Criminal Causes*, there either Party, upon paying five Pounds Sterling to the *Lords proprietors* use, shall have liberty of Appeal to the County Court.

No Cause shall be twice Tried in any one Court, upon any reason or pretence whatsoever. §. 64.

For *Treason*, *Murder*, and all other Offences punishable with *Death*, there shall be a Commission, twice a year at least, granted unto one, or more Members of the *Grand Council* or *Colledges*, who shall come as itinerant Judges to the several Counties, and with the Sheriff and four Justices shall hold *Assizes* to Judge all such Causes: But upon paying of fifty Pounds Sterling to the *Lords proprietors* use, there shall be liberty of Appeal to the respective *Proprietors Court*. §. 65.

The *Grand Jury* at the several *Assizes*, shall upon their Oaths, and under their Hands and Seals, deliver in to the itinerant Judges, a *Presentment* of such Grievances, *Misdemeanors*, *Exigencies*, or *Defects*, which they think necessary for the publick good of the County; which *Presentment* shall by the itinerant Judges, at the end of their Circuit, be delivered in to the *Grand Council* at their next Sitting. And whatsoever therein concerns the Execution of Laws already made, the several *proprietors Courts* in the Matters belonging to each of them respectively shall take Cognizance of it, and give such order about it, as shall be effectual for the due Execution of the Laws. But whatever concerns the making of any new Law, shall be referred to the several respective Courts to which that Matter belongs, and be by them prepared and brought to the *Grand Council*. And if the major part of the *Grand Juries* of the respective Counties, shall present any thing as necessary to be Passed into a Law, and the *Grand Council* doth not propose the same to the *Parliament* at their first Sitting, which shall happen six Months after such *Presentment* made by the major part of the *Grand Juries*; then it shall be lawful to be Proposed in any of the Chambers of *Parliament*, and having been there carried three several dayes by majority of Votes, shall be proposed in *Parliament*, to be Passed into a Bill as in other Cases. §. 66.

For *Terms*, there shall be Quarterly such a certain number of Dayes, not exceeding one and twenty at any one time, as the several

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ral respective Courts shall appoint. The time for the beginning of the Term in the Precinct Court, shall be the first Monday in January, April, July, and October; in the County Court, the first Monday in February, May, August, and November; and in the Proprietors Courts, the first Monday in March, June, September, and December.

§. 68. In the Precinct Court no Man shall be a Jury-man under fifty Acres of Freehold. In the County Court, or at the Assizes, no Man shall be a Grand Jury-man under three hundred Acres of Freehold; and no Man shall be a Petty Jury-man under two hundred Acres of Freehold. In the Proprietors Courts no Man shall be a Jury-man under five hundred Acres of Freehold.

§. 69. Every Jury shall consist of twelve Men; and it shall not be necessary they should all agree, but the Verdict shall be according to the Consent of the Majority.

§. 70. It shall be a base and vile thing to Plead for Money or Reward; nor shall any one (except he be a near Kinsman, not farther off than Cousin-german to the Party concerned) be permitted to Plead another Man's Cause, till before the Judge in open Court he hath taken an Oath, that he doth not Plead for Money or Reward, nor hath nor will receive, nor directly nor indirectly Bargained with the Party whose Cause he is going to Plead, for Money or any other Reward for Pleading his Cause.

§. 71. There shall be a Parliament, consisting of the Proprietors or their Deputies, the Landgraves and Castiques, and one Freeholder out of every Precinct, to be chosen by the Freeholders of the said Precinct respectively. They shall Sit altogether in one Room, and have every Member one Vote.

§. 72. No Man shall be chosen a Member of Parliament, who hath less than five hundred Acres of Freehold within the Precinct for which he is chosen; nor shall any have a Vote in chusing the said Member that hath less than fifty Acres of Freehold within the said Precinct.

§. 73. A new Parliament shall be Assembled the first Monday of the Month of November every second Year, and shall meet and Sit in the Town they last Sat in, without any Summons, unless by the Palatine's Court they be Summoned to meet at any other Place. And if there shall be any occasion of a Parliament in these Intervals, it shall be in the power of the Palatine's Court to Assemble them

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them in forty Dayes notice, and at such Time and Place as the said Court shall think fit; and the *Palatine's Court* shall have power to *Dissolve* the said *Parliament* when they shall think fit.

At the opening of every *Parliament*, the first thing that shall be done, shall be the reading of these FUNDAMENTAL CONSTITUTIONS, which the *Palatine* and *Proprietors*, and the rest of the *Members* then present, shall *Subscribe*. Nor shall any Person whatsoever Sit or Vote in the *Parliament*, till he hath that Session Subscribed these FUNDAMENTAL CONSTITUTIONS, in a Book kept for that purpose by the *Clerk* of the *Parliament*.

§. 74.

In order to the due *Election* of *Members* for the *Biennial Parliament*, it shall be lawful for the *Freeholders* of the respective *Precincts* to meet the first *Tuesday* in *September* every two years, in the same Town or place that they last met in to chuse *Parliament-men*, and there chuse those *Members* that are to Sit the next *November* following, unless the *Steward* of the *Precinct* shall by sufficient notice thirty Days before, appoint some other place for their Meeting, in order to the *Election*.

§. 75.

No Act or Order of *Parliament* shall be of any force, unless it be *Ratified* in open *Parliament* during the same Session by the *Palatine* or his *Deputy*, and three more of the *Lords Proprietors* or their *Deputies*, and then not to continue longer in force but untill the next *Biennial Parliament*, unless in the mean time it be *Ratified* under the Hands and Seals of the *Palatine* himself, and three more of the *Lords Proprietors* themselves, and by their Order publish'd at the next *Biennial Parliament*.

§. 76.

Any *Proprietor* or his *Deputy* may enter his *Protestation* against any Act of the *Parliament*, before the *Palatine* or his *Deputy's* Consent be given as afore said, if he shall conceive the said Act to be contrary to this Establishment, or any of these FUNDAMENTAL CONSTITUTIONS of the Government. And in such case after a full and free Debate, the several *Estates* shall retire into four several *Chambers*, the *Palatine* and *Proprietors* into one, the *Landgraves* into another, the *Cassiques* into another, and those chosen by the *Precincts* into a fourth; and if the major part of any of the four *Estates* shall Vote that the Law is not agreeable to this Establishment, and these FUNDAMENTAL CONSTITUTIONS of the Government, then it shall pass no farther, but be as if it had never been proposed.

§. 77.

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- §. 78. The *Quorum* of the *Parliament* shall be one half of those who are Members, and capable of Sitting in the House that present Session of *Parliament*. The *Quorum* of each of the *Chambers* of *Parliament*, shall be one half of the Members of that Chamber.
- §. 79. To avoid multiplicity of *Laws*, which by degrees always change the right Foundations of the original Government, all *Acts* of *Parliament* whatsoever, in whatsoever Form Passed or Enacted, shall at the end of a hundred Years after their Enacting, respectively *cease* and *determine* of themselves, and without any *Repeal* become *null* and *void*, as if no such *Acts* or *Laws* had ever been made.
- §. 80. Since multiplicity of *Comments* as well as of *Laws*, have great inconveniencies, and serve only to obscure and perplex. All manner of *Comments* and *Expositions* on any part of these FUNDAMENTAL CONSTITUTIONS, or any part of the *Common* or *Statute Law* of *Carolina*, are absolutely *Prohibited*.
- §. 81. There shall be a *Registry* in every *Precinct*, wherein shall be Enrolled all *Deeds*, *Leases*, *Judgments*, *Mortgages*, and other *Conveyances*, which may concern any of the *Land* within the said *Precinct*; and all such *Conveyances* not so Entred or Registred, shall not be of force against any Person nor Party to the said *Contract* or *Conveyance*.
- §. 82. No man shall be *Register* of any *Precinct*, who hath not at least three hundred Acres of Freehold within the said *Precinct*.
- §. 83. The *Freeholders* of every *Precinct* shall nominate three Men, out of which three the *Chief Justice's Court* shall chuse and Commission one to be *Register* of the said *Precinct*, whilst he shall well behave himself.
- §. 84. There shall be a *Registry* in every *Signiory*, *Barony*, and *Colony*, wherein shall be Recorded all the *Births*, *Marriages*, and *Deaths*, that shall happen within the respective *Signiories*, *Baronies*, and *Colonies*.
- §. 85. No Man shall be *Register* of a *Colony* that hath not above fifty Acres of Freehold within the said *Colony*.

The time of every ones *Age* that is born in *Carolina*, shall be reckoned from the Day that his *Birth* is Entred in the *Registry*, and not before. §. 86.

No *Marriage* shall be lawful, whatever *Contract* and *Ceremony* they have used, till both the Parties mutually own it before the *Register* of the Place where they were Married, and he Register it, with the Names of the Father and Mother of each Party. §. 87.

No Man shall Administer to the Goods, or have right to them, or enter upon the Estate of any Person deceased, till his *Death* be Registered in the respective *Registry*. §. 88.

He that doth not Enter in the respective *Registry*, the *Birth* or *Death* of any Person that is born or dies in his Houle or Ground, shall pay to the said *Register* one Shilling per Week for each such Neglect, reckoning from the time of each *Birth* or *Death* respectively, to the time of Registering it. §. 89.

In like manner the *Births*, *Marriages*, and *Deaths* of the Lords *Proprietors*, *Landgraves*, and *Cassiques*, shall be Registered in the *Chamberlain's Court*. §. 90.

There shall be in every *Colony* one *Constable*, to be chosen annually by the Freeholders of the *Colony*: His Estate shall be above a hundred Acres of Freehold within the said *Colony*, and such subordinate *Officers* appointed for his Assistance, as the *County Court* shall find requisite, and shall be established by the said *County Court*. The Election of the subordinate annual *Officers* shall be also in the Freeholders of the *Colony*. §. 91.

It being of great consequence to the *Plantation*, that *Port-Towns* should be built and preserved; Therefore whosoever shall lade or unlade any *Commodity* at any other Place but a *Port-Town*, shall forfeit to the Lord *proprietors* for each Tun so laden or unladen, the Sum of ten Pounds *Sterling*, except only such Goods as the *Palatine's Court* shall Licence to be laden or unladen elsewhere §. 92.

The first *Port-Town* upon every River, shall be in a *Colony*, and be a *Port-Town* for ever. §. 93.

§. 24. No Man shall be permitted to be a *Freeman* of *Carolina*, or to have any Estate or Habitation within it, that doth not acknowledge a *G O D*, and that *G O D* is publickly and solemnly to be *Worshipped*, and that there is a future Being after this Life, of *Happiness* or *Misery*.

§. 25. As the Country comes to be sufficiently Planted and Distributed into fit Divisions, it shall belong to the *Parliament* to take care for the building of *Churches*, and the publick Maintenance of *Divines*, to be employed in the Exercise of *Religion*, according to the *Church of England*, which being the *Religion* of the Government of *England*, it alone shall be allowed to receive publick Maintenance by Grant of *Parliament*.

§. 96. But since the *Natives* of that place, who will be concerned in our *Plantation*, are utterly Strangers to *Christianity*, whose Idolatry, Ignorance, or Mistake, gives us no right to expel, or use them ill; and those who remove from other parts to Plant there, will unavoidably be of different Opinions concerning Matters of *Religion*, the *Liberty* whereof they will expect to have allowed them, and it will not be reasonable for us on this account to keep them out; that *Civil Peace* may be maintained amidst the diversity of Opinions, and our *Agreement* and *Compact* with all Men may be duly and faithfully observed, the violation whereof upon what pretence soever, cannot be without great offence to *Almighty God*, and great scandal to the true *Religion* which we profess; and also that *Jews*, *Heathens*, and other *Dissenters* from the purity of *Christian Religion*, may not be scared and kept at a distance from it, but by having an opportunity of acquainting themselves with the truth and reasonableness of its *Doctrines*, and the peaceableness and inoffensiveness of its *Professors*, may by good usage and persuasion, and all those convincing Methods of gentleness and meekness, suitable to the Rules and Design of the *Gospel*, be won over to embrace, and unfeignedly receive the *Truth*; Therefore any Seven, or more Persons agreeing in any *Religion*, shall Constitute a *Church* or *Profession*, to which they shall give some Name, to distinguish it from others.

§. 97. The Terms of *Admittance* and *Communion* with any *Church* or *Profession*, shall be written in a Book, and therein be Subscribed by all the Members of the said *Church* or *Profession*; which Book shall

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shall be kept by the publick Register of the Precinct where they reside.

The Time of every ones Subscription and Admittance, shall be Dated in the said Book or religious Record. §. 98.

In the Terms of Communion of every Church or Profession, these following shall be three, without which no Agreement or Assembly of Men, upon pretence of Religion, shall be accounted a Church or Profession, within these Rules: §. 99.

I. *That there is a G O D.*

II. *That G O D is publickly to be Worshipped.*

III. *That it is lawful, and the Duty of every Man, being thereunto called by those that Govern, to bear Witness to Truth; and that every Church or Profession shall in their Terms of Communion set down the external Way whereby they witness a Truth as in the presence of G O D, whether it be by laying Hands on, or kissing the Bible, as in the Church of England, or by holding up the Hand, or any other sensible way.*

No Person above seventeen Years of Age, shall have any benefit or protection of the Law, or be capable of any place of Profit or Honour, who is not a Member of some Church or Profession, having his Name Recorded in some one, and but one religious Record at once. §. 100.

No Person of any other Church or Profession shall disturb or molest any religious Assembly. §. 101.

No Person whatsoever shall speak any thing in their religious Assembly, irreverently or seditiously of the Government or Governours, or State-Matters. §. 102.

Any Person Subscribing the Terms of Communion in the Record of the said Church or Profession before the Precinct Register, and any five Members §. 103.

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Members of the said Church or Profession, shall be thereby made a Member of the said Church or Profession.

- §. 104. Any Person striking out his own Name out of any *religious Record*, or his Name being struck out by any Officer thereunto authorized by each *Church or Profession* respectively, shall cease to be a *Member* of that *Church or Profession*.
- §. 105. No man shall use any *reproachful, reviling, or abusive Language*, against the *Religion* of any *Church or Profession*, that being the certain way of disturbing the *Peace*, and of hindring the *Conversion* of any to the *Truth*, by engaging them in *Quarrels and Animosities*, to the hatred of the *Professors* and that *Profession*, which otherwise they might be brought to assent to.
- §. 106. Since *Charity* obliges us to wish well to the *Souls* of all Men, and *Religion* ought to alter nothing in any Man's *Civil Estate or Right*, it shall be lawful for *Slaves* as well as others, to Enter themselves, and be of what *Church or Profession* any of them shall think best, and thereof be as fully *Members* as any *Freeman*. But yet no *Slave* shall hereby be exempted from that *Civil Dominion* his Master hath over him, but be in all other things in the same *State and Condition* he was in before.
- §. 107. *Assemblies* upon what pretence soever of *Religion*, not observing and performing the abovesaid *Rules*, shall not be esteemed as *Churches*, but unlawful *Meetings*, and be punished as other *Riots*.
- §. 108. No Person whatsoever shall *disturb, molest or persecute* another for his *speculative Opinions* in *Religion*, or his *Way of Worship*.
- §. 109. Every *Freeman* of *Carolina* shall have absolute *Power and Authority* over his *Negro Slaves*, of what *Opinion or Religion* soever.
- §. 110. No *Cause*, whether *Civil or Criminal*, of any *Freeman*, shall be Tried in any *Court of Judicature*, without a *Jury* of his *Peers*.
- §. 111. No Person whatsoever shall *hold or claim* any *Land* in *Carolina* by *Purchase or Gift*, or otherwise, from the *Natives* or any other whatsoever, but meerly from and under the *Lords Proprietors*, upon pain

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pain of forfeiture of all his Estate, moveable or immoveable, and perpetual banishment.

Whosoever shall possess any Freehold in *Carolina*, upon what Title or Grant soever, shall at the farthest from and after the Year One thousand six hundred eighty Nine, pay yearly unto the *Lords Proprietors* for each Acre of Land, *English* Measure, as much fine Silver as is at this present in one *English* Penny, or the value thereof to be as a *Chief Rent* and *Acknowledgment* to the *Lords Proprietors*, their Heirs and Successors for ever; except such persons with whom the *Lords Proprietors* have made some other agreement under their Hands and Seals. And it shall be lawful for the *Palatine's Court* by their Officers at any time, to take a new Survey of any Mans Land, not to out him of any part of his Possession, but that by such a Survey the just number of Acres he possesseth may be known, and the Rent thereupon due, may be paid by him. §. 112.

All *Wrecks*, *Mines*, *Minerals*, *Quarries* of *Gemms*, and *Precious Stones*, with *Pearl-fishing*, *Whale-fishing*, and one half of all *Ambergreece*, by whomsoever found, shall wholly belong to the *Lords Proprietors*. §. 113.

All *Revenues* and *Profits* belonging to the *Lords Proprietors*, (except for Lands and Rents sold) in common, shall be divided into ten Parts, whereof the *Palatine* shall have three, and each *Proprietor* one; but if the *Palatine* shall Govern by a *Deputy*, his *Deputy* shall have one of those three Tenths, and the *Palatine* the other two Tenths. §. 114.

All *Inhabitants* and *Free-men* of *Carolina* above seventeen Years of Age, and under sixty, shall be bound to bear *Arms*, and Serve as *Soldiers*, whenever the *Grand Council* shall find it necessary. §. 115.

A true Copy of these FUNDAMENTAL CONSTITUTIONS shall be kept in a great Book by the *Register* of every *Precinct*, to be *Subscribed* before the said *Register*. Nor shall any person of what Condition or Degree soever above seventeen Years old, have any Estate or Possession in *Carolina*, or protection or benefit of the Law there, who hath not before a *Precinct Register* *Subscribed* these FUNDAMENTAL CONSTITUTIONS in this Form: §. 116.

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I A. B.

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I A. B. do promise to bear Faith and true Allegiance to our Sovereign Lord King CHARLES the Second, his Heirs and Successors; and will be true and faithful to the Palatine and Lords Proprietors of Carolina, their Heirs and Successors, and with my utmost power will defend them, and maintain the Government according to this Establishment in these FUNDAMENTAL CONSTITUTIONS.

§. 117. Whatsoever Alien shall in this Form, before any Precinct Register Subscribe these FUNDAMENTAL CONSTITUTIONS, shall be thereby Naturalized.

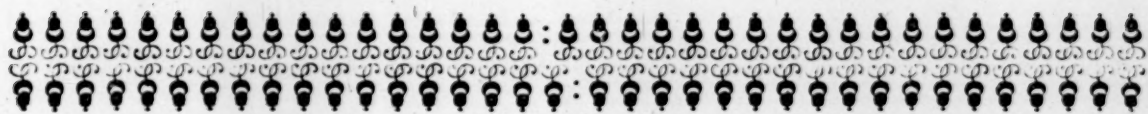
§. 118. In the same manner shall every Person at his Admittance into any Office, Subscribe these FUNDAMENTAL CONSTITUTIONS.

§. 119. Whosoever by Succession or otherwise shall come to be a Proprietor of Carolina, shall not be admitted to exercise any of the Powers or Jurisdictions belonging to a Lord Proprietor of the aforesaid Province, or receive any of the Revenues or Profits belonging to the same, until he hath either in England or Carolina Subscribed these FUNDAMENTAL CONSTITUTIONS in this Form :

I A. B. do promise to bear Faith and true Allegiance to our Sovereign Lord King CHARLES the Second, his Heirs and Successors, and will be true and faithful to my Brethren the Palatine and Lords Proprietors of Carolina, in defence of their Rights, and with my utmost Power will maintain the Government according to this Establishment in these FUNDAMENTAL CONSTITUTIONS.

§. 120. These FUNDAMENTAL CONSTITUTIONS, in number a hundred and twenty, and every part thereof, shall be and remain the sacred and unalterable Form and Rule of Government of Carolina for ever. Witness our Hands and Seals, the Twelfth Day of January, One thousand six hundred Eighty one.

Rules



Rules of Precedency.

- T**He *Lords Proprietors*, the eldest in Age first, and so in order. 1.
- The eldest Sons of the *Lords Proprietors*, the eldest in Age first, and so in order. 2.
- The *Landgraves* of the *Grand Council*, he that hath been longest of the *Grand Council* first, and so in order. 3.
- The *Cassiques* of the *Grand Council*, he that hath been longest of the *Grand Council* first, and so in order. 4.
- The seven *Commoners* of the *Grand Council* that have been longest of the *Grand Council*, he that hath been longest of the *Grand Council* first, and so in order. 5.
- The younger Sons of *Proprietors*, the eldest first, and so in order. 6.
- The *Landgraves*, the eldest in Age first, and so in order. 7.
- The seven *Commoners* who next to those before mentioned have been longest of the *Grand Council*, he that hath been longest of the *Grand Council* first, and so in order. 8.
- The *Cassiques*, the eldest in Age first, and so in order. 9.
- The seven remaining *Commoners* of the *Grand Council*, he that hath been longest of the *Grand Council* first, and so in order. 10.
- The Male Line of the *Proprietors*. 11.
- The rest shall be determined by the *Chamberlain's Court*.

FINIS.

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